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Attorney for Plaintiff
MICHAEL ASBERRY

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL ASBERRY,

Plaintiff,

v.

CITY OF SACRAMENTO, DOES 1-20
inclusive

Defendants.

CASE NO. CIV S.-04-2467 LKK PAN
STIPULATION AND ORDER TO
DISMISS PLAINTIFF'S FIRST CAUSE
OF ACTION FOR DISABILITY
DISCRIMINATION

The parties hereby stipulate and request the Court to order the dismissal of plaintiff Michael Asberry's claim in his complaint for disability discrimination, with the parties waiving costs and fees as to this cause of action. Plaintiff failed to exhaust his administrative remedies to this claim alone. Plaintiff still intends on proceeding to trial on his second claim for retaliation.

Date: November 2, 2005

LAW OFFICES OF JILL P. TELFER
A Professional Corporation

/s/ Jill P. Telfer

JILL P. TELFER
Attorney for Plaintiff
MICHAEL ASBERRY

1 Date: November 2, 2005

CITY OF SACRAMENTO

2 /s/ David S. Womack

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4 **DAVID S. WOMACK, Deputy City Attorney**
5 **Attorney for Defendant,**
6 **CITY OF SACRAMENTO**

7 The first cause of action for disability discrimination is hereby
8 **DISMISSED**, with the parties waiving costs and fees as to this claim alone.

9 **IT IS SO ORDERED**

10 Dated: November 10, 2005.

11 /s/Lawrence K. Karlton
12 LAWRENCE K. KARLTON
13 SENIOR JUDGE
14 UNITED STATES DISTRICT COURT
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